
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

DIANA TRUE,

Plaintiff,

v.

DELTA AIRLINES,

Defendant.

**MEMORANDUM DECISION
AND ORDER**

Case No. 2:21-CV-433-DAK

Judge Dale A. Kimball

This matter is before the court on Plaintiff's Application to Proceed Without Prepayment of Fees and Affidavit. Because the Application was filed after Plaintiff's Notice of Appeal, the court has construed it as a Motion for Leave to Proceed *in Forma Pauperis* on appeal pursuant to Rule 24 of the Federal Rules of Appellate Procedure. Plaintiff has not proceeded in this court *in forma pauperis*.

Rule 24 provides that "a party to a district court action who desires to appeal in forma pauperis must file a motion in the district court." Fed. R. App. 24(a)(1). Rule 24(a) further requires the party to attach an affidavit that "(A) shows in the detail prescribed by Form 4 of the Appendix of Forms the party's inability to pay or to give security for fees and costs; (B) claims an entitlement to redress; and (C) states the issues that the party intends to present on appeal." *Id.*

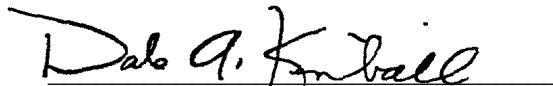
Instead of filing Form 4 of the Appendix of Forms, Plaintiff filed a form typically used to

proceed *in forma pauperis* at the district court level. While this form is not as detailed as Form 4, it provides relevant information regarding Plaintiff's income. Plaintiff's application provides a full accounting of her financial situation. But whether or not her financial situation is sufficient to pay the appellate filing fee, Plaintiff has not attempted to meet the requirements of Rule 24(a)(1)(B) or (C). Under these requirements, Plaintiff must address her entitlement to redress and the issues she intends to present on appeal. By only filing the application typically used in the district court, Plaintiff has not complied with the Rules of Appellate Procedure for proceeding *in forma pauperis* on appeal. Because Plaintiff has not met the requirements of Rule 24(a), the court denies her motion to proceed on appeal *in forma pauperis*.

Under Rule 24(a)(5) of the Rules of Appellate Procedure, Plaintiff may file a motion with the Tenth Circuit to proceed *in forma pauperis* on appeal within thirty days of being served with this denial.

DATED this 10th day of July 2024.

BY THE COURT:


DALE A. KIMBALL
United States District Judge